

FISH AND SHELLFISH

16725. Adulteration of frozen mackerel fillets. U. S. v. 34 Cartons * * *.
(F. D. C. No. 29738. Sample No. 79694-K.)

LABEL FILED: September 18, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 29, 1950, by the Cumberland Cold Storage Co., account of J. Adams' & Co., Inc., from Portland, Maine.

PRODUCT: 34 cartons, some containing 5 10-pound boxes and some containing 10 5-pound boxes, of frozen mackerel fillets at Boston, Mass.

LABEL, IN PART: (Box) "Adams' Selected Frozen Sea Foods * * * J. Adams' & Co., Inc. 23 Fish Pier Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: October 30, 1950. Default decree of condemnation. The court ordered that the product be disposed of for purposes other than for human consumption.

16726. Adulteration and misbranding of canned oysters. U. S. v. 458 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27314 to 27316, incl. Sample Nos. 29263-K, 29276-K, 29803-K.)

LABELS FILED: June 9 and 10, 1949, District of Colorado and District of Utah.

ALLEGED SHIPMENT: On or about April 8, 1949, by the Anticich Canning Co., from Biloxi, Miss.

PRODUCT: Oysters. 458 cases at Salt Lake City, Utah; 1,014 cases at Denver, Colo.; and 516 cases at Pueblo, Colo. Each case contained 48 4 $\frac{3}{8}$ -ounce cans.

LABEL, IN PART: (Can) "American Beauty Oysters Drained Weight 4 $\frac{3}{8}$ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned oysters since the drained weight of the oysters taken from each container was less than 59 percent of the water capacity of the container, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: November 17 and 30, 1949. The following amounts were seized: 452 $\frac{1}{4}$ cases at Salt Lake City, 1,026 cases at Denver, and 528 cases at Pueblo. The Anticich Canning Co. having appeared as claimant, the court found that 224 cases and 151 cans at Salt Lake City, 655 cases at Denver, and 222 cases at Pueblo were fit for human consumption and were otherwise in compliance with the law, and ordered these cases and cans of oysters delivered to the claimant. The remainder of the three lots was ordered released under bond for labeling of the misbranded portion and destruction of the abnormal portion. Salvaging operations resulted in the destruction of 19 cases and 129 cans of the Salt Lake City lot and 14 cases and 27 cans of the Denver and Pueblo lots. The remainder of the cases and cans was relabeled.

16727. Adulteration of canned oysters. U. S. v. 419 Cases * * * (F. D. C. No. 28903. Sample No. 54824-K.)

LABEL FILED: March 15, 1950, Southern District of Alabama.